



General Assembly

Substitute Bill No. 843

January Session, 2003

***AN ACT CONCERNING LIMITED STRESS-RELATED WORKERS'
COMPENSATION BENEFITS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (16) of section 31-275 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (16) (A) "Personal injury" or "injury" includes, in addition to
5 accidental injury [which] that may be definitely located as to the time
6 when and the place where the accident occurred, an injury to an
7 employee [which] that is causally connected with [his] employment
8 and is the direct result of repetitive trauma or repetitive acts incident
9 to such employment, and occupational disease.

10 (B) "Personal injury" or "injury" shall not be construed to include:

11 (i) An injury to an employee [which] that results from [his] the
12 employee's voluntary participation in any activity the major purpose
13 of which is social or recreational, including, but not limited to, athletic
14 events, parties and picnics, whether or not the employer pays some or
15 all of the cost of such activity;

16 (ii) A mental or emotional impairment, unless such impairment
17 arises (I) from a physical injury or occupational disease, (II) from the
18 conduct of an employer or an agent of an employer that is determined

19 to constitute sexual harassment in violation of section 46a-60 or Title
20 VII of the Civil Rights Act of 1964, as from time to time amended, (III)
21 from witnessing the death of another employee or a client, provided
22 such death is witnessed while in the course of employment, or (IV) in
23 the case of a police officer, from such police officer's use of deadly
24 force or subjection to deadly force in the line of duty, regardless of
25 whether such police officer is physically injured, provided such police
26 officer is the subject of an attempt by another person to cause such
27 police officer serious physical injury or death through the use of
28 deadly force, and such police officer reasonably believes such police
29 officer to be the subject of such an attempt. As used in this clause,
30 "police officer" means a member of the Division of State Police within
31 the Department of Public Safety or an organized local police
32 department, a chief inspector or inspector in the Division of Criminal
33 Justice, a conservation officer or special conservation officer appointed
34 under section 26-5, an appointed constable who performs criminal law
35 enforcement duties, a special police officer appointed under section 29-
36 18, 29-18a, 29-18b, 29-18c or 29-19, an adult probation officer, an
37 employee of the Department of Correction, a member of the Office of
38 State Capitol Police and a member of a special police force established
39 under section 10a-142 or a person providing security services for a
40 public institution of higher education; and "in the line of duty" means
41 any action that a police officer is obligated or authorized by law, rule,
42 regulation or written condition of employment service to perform, or
43 for which the police officer is compensated by the public entity such
44 officer serves;

45 (iii) A mental or emotional impairment [which] that results from a
46 personnel action, including, but not limited to, a transfer, promotion,
47 demotion or termination; or

48 (iv) Notwithstanding the provisions of [clause (i) of this]
49 subparagraph (B)(i) of this subdivision, "personal injury" or "injury"
50 includes injuries to employees of local or regional boards of education
51 resulting from participation in a school-sponsored activity but does not
52 include any injury incurred while going to or from such activity. As

53 used in this clause, "school-sponsored activity" means any activity
 54 sponsored, recognized or authorized by a board of education and
 55 includes activities conducted on or off school property and
 56 "participation" means acting as a chaperone, advisor, supervisor or
 57 instructor at the request of an administrator with supervisory
 58 authority over the employee.

59 Sec. 2. (NEW) (*Effective October 1, 2003*) Notwithstanding any
 60 provision of chapter 568 of the general statutes, workers' compensation
 61 benefits for (1) any police officer, as defined in subparagraph (B)(ii) of
 62 subdivision (16) of section 31-275 of the general statutes, as amended
 63 by this act, who suffers a mental or emotional impairment arising from
 64 such police officer's use of deadly force or subjection to deadly force in
 65 the line of duty, (2) any employee who suffers a mental or emotional
 66 impairment arising from witnessing the death of another employee or
 67 a client, and (3) any employee who suffers a mental or emotional
 68 impairment arising from the conduct of an employer or an agent of an
 69 employer that is determined to constitute sexual harassment in
 70 violation of section 46a-60 of the general statutes or Title VII of the
 71 Civil Rights Act of 1964, as from time to time amended, shall be
 72 limited to treatment by a psychologist or a psychiatrist who is on the
 73 approved list of practicing physicians established by the chairperson of
 74 the Workers' Compensation Commission pursuant to section 31-280 of
 75 the general statutes.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

LAB *Joint Favorable Subst. C/R*

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